

REMARKS

I. INTRODUCTION

Applicants again thank the Examiner for the indication that claims 26, 70, 71, 82 and 83 are allowed, and that claims 4, 21-25, 41-43, 62-69, 73-82, 84 and 85 would be allowed if rewritten in independent form.

Claims 4, 40 and 41 have been cancelled, without prejudice. Independent claims 1 and 39 have been amended to include the subject matter of claim 4 and claims 40 and 41, respectively. In addition, claims 21-25 and claims 42 and 43 have been amended to depend from amended independent claims 1 and 39, respectively. Further, claims 62, 73, 75-80, 84 and 85 have been rewritten in independent form. Accordingly, claims 1-3, 7-10, 12-27, 39, 42, 43, 62-69 and 72-85 are under consideration in the above-referenced application. Provided above, please find a claim listing indicating the current cancellation of claims 4, 40 and 41, and amendments to the previously-pending claims 1, 21-25, 39, 42, 43, 62, 73, 75-80, 84 and 85 on separate sheets so as to comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II. OBJECTION TO CLAIM 82 SHOULD BE WITHDRAWN

Claim 82 apparently still stands objected to as excluding the recitation of “method” therein. As the Examiner shall ascertain, claim 82 has been amended in the Amendment after Final Office Action dated August 21, 2006 to include such recitation. Accordingly, the objection to claim 82 is now moot, and should therefore be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103(a) SHOULD BE WITHDRAWN

Claims 1-3, 7-10, 12-20, 27, 39, 40 and 72 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimnyakov et al., “Spatial speckle correlometry in applications to issue structure monitoring,” Applied Optics, Col. 36, No. 22, August 1, 1997, pp. 5594-5607 (the “Zimnyakov publication”), in view of U.S. Patent No. 6,324,419 issued to Guzelsu et al. (the “Guzelsu Patent”) and U.S. Patent No. 5,735,276 issued to Lemelson (the “Lemelson Patent”).

As the Examiner shall ascertain, independent claims 1 and 39 have been amended above to include the subject matter of now-cancelled claim 4 and now-cancelled claims 40 and 41, respectively. Applicants respectfully note that Examiner acknowledged that previously-pending claims 4 and 41 would be allowable if rewritten in independent form. (See Final Office Action, p. 3, lns. 11-13). Accordingly, the 35 U.S.C. § 103(a) rejection of independent claims 1 and 39, and of claims 2, 3, 7-10, 12-20 and 27 and claim 72 which depend from amended independent claims 1 and 39, respectively, is now moot, and should therefore be withdrawn.

Applicants further reserve the right to prosecute the subject matter as recited in the claims prior to the claims amendments indicated above, as well as any further subject matter described in the above-identified application, in one or more continuing applications which would claim priority from the present application.

IV. ALLOWABLE SUBJECT MATTER

Applicants gratefully agree with the Examiner’s indication that claims 26, 70, 71, 82 and 83 are allowed, and that claims 4, 21-25, 41-43, 62-69, 73-82, 84 and 85 would be allowed if rewritten in independent form.

As indicated above, claims 4, 40 and 41 have been cancelled above without prejudice, and independent claims 1 and 39 have been amended above to include the subject matter of claim 4 and claims 40 and 41, respectively. In addition, claims 21-25 and claims 42 and 43 have been amended to depend from amended independent claims 1 and 39, respectively. Further, claims 62, 73, 75-80, 84 and 85 have been rewritten in independent form.

V. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 1-3, 7-10, 12-27, 39, 42, 43, 62-69 and 72-85 are in condition for allowance. Prompt consideration, reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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